

**MIAMI-DADE HOUSING AGENCY
ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

APPENDIX I

Definitions

Black

African-Americans and all other individuals who are black irrespective of their national origin.

Class Members

All past, present and future black residents of Miami-Dade County's Public Housing program including Section 8 New Construction for the duration of the Adker Decree.

Complainant

Any resident who files a grievance with the MDHA site manager of the development where the resident's unit is located.

Criminal Records

All criminal arrest records, including but not limited to sex offender records and registration records, and any court dispositions, including but not limited to *nolo contendere*, *nolle prosequi*, withholds of adjudication and adjudications of guilt. The term "criminal records" does not include records unavailable to MDHA by operation of law, including sealed or expunged records, exempt records under Florida's Public Records Act, or other records unavailable to MDHA under state and federal laws.

Deconcentration of Income

The admission of higher income families (50-80% of area median income) to developments where lower income families (30% of area median income) predominate and vice versa.

Displaced persons

Include persons who can document that they have been displaced by a natural disaster declared by the President of the United States, displaced, through no fault of their own, by governmental action, or displaced by domestic violence.

Earnings and benefits

Means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

Dependent

A member of the family (excluding foster children, foster adults, or live-in aides) other than the family head or spouse, who is under eighteen (18) years of age, or is a person with disabilities, or is a Full-time Student.

Desegregative Housing Offer

An offer of a unit that is vacant, appropriate for the household size and type, and meets applicable housing quality standards in a development where not more than 65% of the population is the same race as the household.

Disabled Family

A family whose head, spouse, or sole member is a person with disabilities; or two (2) or more persons with disabilities living together; or one (1) or more persons with disabilities living with one or more live-in aides.

Disability Assistance Expenses

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member and that are necessary to enable the disabled member to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Discontinued Assistance

A family is considered continuously assisted if it has been receiving housing assistance under any program under any U.S. Housing Act of 1937 without experiencing an extended interruption of occupancy of the assisted unit.

An interruption of more than four (4) months between occupancy of one assisted housing unit and another assisted housing unit is considered discontinued assistance.

Displaced Family

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Drug-related Criminal Activity

Illegal manufacture, sale, distribution, or use of a drug, or possession of a drug, with the intent to manufacture, sell, distribute or use the drug.

Elderly Family

A Family whose head, spouse, or sole member is a person who is at least sixty two (62) years of age; or two or more persons who are at least sixty two (62) years of age living together; or one or more persons who are at least sixty two (62) years of age living with one or more live-in aides.

Elderly Person

A person sixty-two (62) years of age or older.

Eligibility Income

This is Annual Income amount which is compared to USHUD approved Income Limits to determine if an applicant family is eligible for admission to the housing program.

Fair Housing Center

An establishment to act as a mobility counselor and an information clearinghouse for mobility pool members and applicants who are seeking desegregative housing opportunities in public and assisted housing.

Family

Family includes but is not limited to:

- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- An elderly family;
- A near-elderly family;

- A disabled family;
- A displaced family;
- The remaining member of a tenant family; and
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
- A single person or a group of persons who reside together, and who are related by blood or marriage, or who exhibit a stable familial relationship.

MDHA will accept documentation showing that adult, unrelated, unmarried family members have resided together for at least one year as evidence of a stable family relationship.

Family Income

Family Income means the Annual Income derived from all sources of the family members expected to reside in the dwelling unit and upon which rent is to be based.

Full-Time Student

A person registered for and carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Good Cause

As used in the Adker Consent Decree with respect to refusal of a housing offer, 'good cause' shall mean that an applicant who is offered a unit can demonstrate through objective evidence that a move into the unit offered would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment or retain particular day care or medical services uniquely suited to the affected individual's needs. In addition, a hardship may relate to the person's inability to conveniently use the facility because of his or her disability and a lack of the necessary accessibility features. Additional examples of good cause are included in this policy.

Grievance or complaint

Any dispute with respect to the Agency's action or failure to act in accordance with lease requirements, and/or federal regulations which result or may result in denial, significant reduction or termination of benefits to the complainant.

Head of Household

The family member who is 18 years or older and held responsible and accountable for the family, normally considered to be the official tenant of record or the lessee.

Hearing

An informal proceeding at which a resident's grievance or complaint relating to MDHA's adverse action or decision, is heard in order to insure that the complainant's rights were not violated

Homeless Family

Any person or family who:

- Lacks a fixed, regular, and adequate night time residence; and
- Has a primary night-time residence that is:
 1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
 2. An institution that provides a temporary residence for individuals intended to be institutionalized; or

3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A homeless family does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

Homeownership Opportunities

After October 28, 1998 any homeownership opportunities shall mean any homeownership units developed, purchased, or redeveloped by Miami-Dade County solely or as a joint venture with any other entity.

Income Eligibility for Admission

At least 40% of families admitted to the Public Housing program in each fiscal year effective October 21, 1998 must have incomes that do not exceed 30% of Area Median Income (AMI). In each fiscal year MDHA may reduce the targeted public housing admissions to the extent that MDHA provides tenant-based Section 8 assistance above the targeted 75% to families that do not exceed 30% of AMI. The public housing target, however, may not be reduced below 30% of admissions.

Income Limits

Income limits are those published by USHUD for admission of Low-Income and Very-Low-Income families to federally subsidized housing developments.

Interim Adjustments or Re-determination of Rents

Changes in rent between admission and subsequent annual re-examinations due to a change in family composition or income.

Live-in Aide

A person eighteen (18) years of age or older who resides with one (1) or more elderly persons, or near-elderly persons, or persons with disabilities who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

The live-in aide's income is not counted when determining family income.

MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of the live-in aide. The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. MDHA shall deny occupancy of the unit to the live-in aide after the resident, for whatever reason, is no longer living in the unit.

A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the Live-In Aide Agreement which shall become an addendum to the resident's lease.

Upon approval of MDHA Director or designee, under extraordinary circumstances, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.

MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter 2 of this Admissions and Continued Occupancy Plan, to become a live-in aide. A background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

Local Preference

Any preference, to the extent authorized by law, the Agency may establish for use in selecting among applicants. The local preference may only be adopted after MDHA has conducted a public hearing to establish preferences that respond to local housing needs and priorities.

Lower Income Family

A family whose Annual Income does not exceed eighty percent (80%) of the median family income for the area, as determined by USHUD with adjustments for smaller and larger families.

Medical Expenses

Those medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not reimbursed by insurance or other sources.

Minimum Rent

Statutory requirement that each family assisted under Public Housing programs pay a monthly minimum rent or Total Tenant Payment (TTP) of an amount currently between \$25.00 and \$50.00.

Mobility Pool

Class members of the Adker Consent Decree who meet all of the following criteria:

- (i) A former or current official tenant of record in a MDHA public housing unit who signed a lease on or before June 4, 1998; or
- (ii) A current or future official tenant of record who is 18 years or older and head of household of a MDHA public housing unit, and who signs a lease after June 4, 1998 but prior to the expiration of the Adker Decree;
- Is currently eligible for federally-assisted housing; and
- Has not opted out of participation in the mobility pool and who is eligible pursuant to the regulation at 24 CFR 982.552.

Monthly Income

One-twelfth of Annual Income

Monthly Adjusted Income

One-twelfth of Adjusted Annual Income

Near-Elderly Family

A family whose head of household, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

Net Family Assets

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in USHUD homeownership programs. The value of any business or family assets disposed of by an applicant or tenant for less than fair

market value during the two years preceding the date of application for the program or reexamination, shall be included in the determination of Net Family Assets.

New Affordable Desegregative Rental Housing

After October 28, 1998 any affordable desegregative rental housing developments developed, purchased or redeveloped by Miami-Dade County solely or as a joint venture with any other entity. This includes the redevelopment of public housing.

Non-Black

All individuals who are not 'Black' as defined above in subsection 1-4 including, but not limited to, Caucasians and Caucasians of Hispanic ethnicity, American Indians and Asians.

Non-Elderly Family

Two (2) or more persons who are not elderly but live together and are related by blood, or marriage, or operation of law, or give evidence of a stable relationship which has lasted over a period of at least one year. All Family Income and resources are available to meet the family's needs.

Offer

The term 'offer' is used in the context of project-based assistance and means an offer of a unit that is vacant, appropriate for the household in size and type, and meets applicable housing quality standards.

Participating Privately Owned Assisted Housing

Housing receiving federal assistance under one of the following statutory provisions for which the owner has agreed, upon invitation from USHUD, to participate in the activities of the Housing Center:

- Section 221(d)(3) of the National Housing Act;
- Section 101 of the Housing and Urban Development Act of 1965;
- Section 236 of the National Housing Act;
- Section 202 of the National Housing Act;
- Section 811 of the Cranston-Gonzalez National Affordable Housing Act; or
- Section 8 of the United States Housing Act

Person With Disabilities

Under federal discrimination law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This definition does not include any individual who is a drug addict and is currently using illegal drugs, or an alcoholic, who poses a direct threat to the health, safety and right to peaceful enjoyment of the premises by other residents.

Reasonable Accommodation

A reasonable accommodation is a change, modification, alteration, or adaptation in a policy, procedure, practice, program, facility or unit that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing), service or activity.

Re-examination/Re-certification Date

The date on which any rent change is effective as required by the annual re-examination of eligibility for continued occupancy.

Single Person

A person living alone or intending to live alone and who does not qualify as an Elderly Family, Disabled Family, Displaced Person, or as the remaining member of a tenant family.

Tenant Rent

The amount payable monthly by the Family as rent to the Housing Agency. Where all utilities (except telephone) and other essential housing services are supplied by the Agency, Tenant Rent equals the Total Tenant Payment (TTP). Where some or all utilities (except telephone) and other essential housing services are not supplied by the Agency and the cost thereof is not included in the amount paid as rent to the Agency, Tenant Rent equals Total Tenant Payment less the Utility Allowance.

Total Tenant Payment

Total Tenant Payment for any dwelling unit shall be the highest of the following, rounded to the nearest dollar:

- Thirty percent (30%) of Monthly Adjusted Income;
- Ten percent (10%) of Monthly Income;
- The monthly portion of a Family's Welfare Assistance from a public agency specifically designated by such agency to meet the Family's housing costs; or
- The MDHA statutory minimum rent which is currently \$25.

Uniform Federal Accessibility Standards (UFAS) Unit

A dwelling unit that is designed, constructed, altered or adapted to comply with Uniform Federal Accessibility Standards (UFAS) and is located in accessible route.

Units with Accessible Features

A unit which has been altered in a manner that has some accessible features that assists persons with disabilities (see also UFAS unit).

Utility Allowance

If the cost of utilities (except telephone) for an assisted unit is not included in the Tenant Rent but is the responsibility of the family occupying the unit, the Utility Allowance is the amount equal to the estimate made of the monthly costs of a reasonable consumption of such utilities for the unit, consistent with the requirements of a safe, sanitary, and healthful living environment based on an annual review of utility rates. The estimate made must be approved by USHUD. The resident may also request relief from excess utility consumption (see Section 4-1 (B) (iv) regarding the excess consumption policy).

Utility Reimbursement

The amount, if applicable, by which the utility allowance for the unit exceeds the Total Tenant Payment for the Family occupying the unit.

Very Low Income Family

A family whose Annual Income does not exceed fifty percent (50%) of the median family income for the area, as determined by USHUD, with adjustments for smaller and larger families.

Violent Criminal Activity

Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonable likely to cause, serious bodily injury or property damage.

Waiting List

The list of applicants who are waiting to be verified eligible for admittance to housing programs administered by MDHA and offered the benefit as it becomes available. To the extent authorized by law and the Decree, the list is maintained in order of priorities and preferences.